

REMARKS

No claims have been canceled, amended or added in this paper. Therefore, claims 70, 74-80 and 82-84 are pending and are under active consideration.

Claims 70, 74-76 and 82-84 stand rejected under 35 U.S.C. 103(a) "as being unpatentable over Mello et al in view of Williams et al and Winstead (see abstract and Fig. 1) essentially for reasons of record noting the following."

While applicant states that Winstead does not teach continuous rotary extrusion molding by "continuously extruding molten plastic into a molding wheel", it is submitted that this is what is occurring in Figure 1 of the reference. The extruder die 14 outputs molten thermoplastic which passes over a roller as an extruded web 16 and goes directly into the molding wheel. There would appear to be no question-or at least it appears to be quite obvious-that the web 16 is still molten to some extent, as it has not been cooled to any appreciable extent. While Figure 3 of the reference is directed to orienting the web and cooling it, Figure 1 is not. Hence, the instant claims as amended are submitted to be properly rejected over the combination as applied. Mello et al does not recite exactly what materials are used to make the packaging. It is noted that Williams et al (see col. 2, penultimate line) teaches polypropylene, albeit in reference to a flexible material. However, one of ordinary skill in this art knows how to make polypropylene and other plastics as flexible or rigid, dependent on the exact product being molded. Polypropylene is nothing but a conventionally molded plastic and to make such a plastic as a rigid molded container would have been obvious to one of ordinary skill in the art.

Later in the Office Action, the Patent Office states the following:

Applicant's arguments filed September 2, 2010 have been fully considered but they are not persuasive. Applicant submits that the instant continuous extrusion of molten plastic into a molding wheel is not taught. However, as noted in paragraph 1, supra, such is submitted to be taught in Winstead and hence the claims must stand as rejected. While the embodiment of Figure 3 of Winstead clearly shows the film being cooled so that a molten extrudate would not be going into the molding wheel, such is not the case with Figure 1 of the reference.

Applicants respectfully traverse the subject rejection.

As best understood by Applicants, the Patent Office appears to be contending that Winstead, in Fig. 1, discloses continuously extruding **molten** plastic into a molding wheel. Applicants respectfully disagree for at least the reasons below.

Rotary extrusion molding and thermoforming are two completely different types of molding processes. In rotary extrusion molding, a molten, i.e., **liquified**, plastic is extruded into the cavities of a molding wheel. As the molding wheel rotates, the molten plastic changes from a liquid state to a solid state and, as a result, takes the shape of the cavities in the molding wheel. The molded (i.e., solidified) plastic is then removed from the cavities of the molding wheel, and the process is repeated. By contrast, in thermoforming, a sheet of **solid** material is drawn into the cavities of a mold using a vacuum. As a result of being drawn into the cavities of the mold, the solid sheet of material is deformed and takes the shape of the cavities of the mold. Plug-assist or match-mold devices may be used to ensure that the solid sheet of material is drawn properly into the cavities.

Winstead, itself, identifies its process as a thermoforming process, as opposed to a rotary extrusion molding process. Moreover, based on a review of Winstead, it is clear that what is disclosed therein is, in fact, a thermoforming process, as opposed to a rotary extrusion molding process. This is at least for the reasons that (1) Winstead delivers a **solid** sheet of material, as opposed to a liquid, to its molding wheel and (2) Winstead draws its sheet of material into the cavities of its wheel using a vacuum and plug-assist or match-mold devices.

More specifically, with respect to the fact that Winstead delivers a **solid** sheet of material, as opposed to delivering a **liquid**, to its molding wheel, Applicants note that Winstead states, for example, at col. 4, lines 38-42, and at col. 12, lines 57-60, that a **web** of material 16 is produced, said

web of material 16 being fed by an interfacing roller 18 onto the surface of the mold wheel 20. Applicants respectfully submit that a person of ordinary skill in the art would have understood “a web of material” to mean a solid material, as opposed to a molten material.

In addition, Winstead clearly teaches, for example, at col. 4, lines 43-47, and at col. 12, line 60, through col. 13, line 1, the use of pressure-assist, plug-assist, or match-mold devices to ensure that the solid sheet of material is drawn properly into the cavities of the mold.

To the extent that the Patent Office appears to be contending that Winstead, in Fig. 1, delivers **molten** plastic to the molding wheel, Applicants respectfully disagree. **Molten plastic is liquified plastic.** Winstead does not deliver liquified plastic to its molding wheel, but rather, delivers a solid sheet of plastic that is then drawn into the cavities of the mold wheel using a pressure-assist array 24. The mere fact that the solid sheet of material in Fig. 1 of Winstead is warm does not mean that it has been rendered liquid. In fact, it is not uncommon for thermoforming processes to involve some warming of the sheet of material prior to the molding process to make the sheet of material more pliable. Such a warmed sheet is **not** molten plastic.

Moreover, to the extent that the Patent Office appears to be attempting to draw some distinction between Fig. 1 of Winstead and Fig. 3 of Winstead, contending that Fig. 1 involves molten plastic whereas Fig. 3 does not, Applicants respectfully disagree. Both Fig. 1 of Winstead and Fig. 3 of Winstead involve a **solid** sheet of material. The solid sheet of material in Fig. 1 may be warmer than that of Fig. 3, but they are both in a solid state. The only reason why the sheet of material in Fig. 3 is cooler than that of Fig. 1 is so that the sheet of material may be biaxially oriented by a stretcher assembly. As pointed out in Winstead at col. 5, lines 37-39, this is the **only** difference between the systems of Figs. 1 and 3.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 77-80 stand rejected under 35 U.S.C. 103(a) "as being unpatentable over Mello et al in view of Williams et al and Winstead (see abstract and Fig. 1) and further in view of Anderson, III for reasons of record as set forth in paragraph 1, supra and paragraph 2 of the last action."

Applicants respectfully traverse the subject rejection. Claims 78-80 depend from claim 77. Claim 77 is patentable over Mello et al., Williams et al. and Winstead for at least the reasons given above. Anderson III et al. fails to cure all of the deficiencies of Mello et al., Williams et al. and Winstead with respect to claim 77. Therefore, claims 77-80 are patentable over the applied references.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.


In conclusion, it is respectfully submitted that the present application is in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is

required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

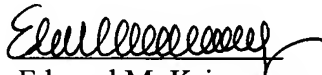
Respectfully submitted,

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Dated: January 24, 2011

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 24, 2011.


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Dated: January 24, 2011